

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5506 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHIKLALAL R A VAGHELA

Versus

STATE OF GUJARAT

Appearance:

MR DM THAKKAR for Petitioner

MR HL JANI for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/12/96

ORAL JUDGMENT

Having heard the learned counsel for the parties,
I do not find any substance in this Special Civil
Application.

2. The learned counsel for the petitioner does not
dispute that the petitioner has been promoted to the post
of Deputy Soil Survey Officer on his consent. The
learned counsel for the petitioner also does not dispute

that the post of Deputy Soil Survey Officer and that of Assistant Research Officer are not interchangeable.

3. The channel of promotion has been provided to both the posts, i.e. Deputy Soil Survey Officer and Assistant Research Officer, from the feeder post, i.e. Senior Scientific Assistant. The promotions are made on the availability of the post of Deputy Soil Survey Officer or Assistant Research Officer. When the post of Deputy Soil Survey Officer fell vacant, the petitioner has been offered promotion and he accepted the same. Now what the petitioner contends is that he may be given promotion to the post of Assistant Research Officer from 20th February 1980. The learned counsel for the petitioner has failed to point out any Rule or Regulation under which the petitioner can claim such right. It may be an unfortunate circumstance, but it is a fact that the petitioner himself has accepted, on availability of the said post, promotion on the post of Deputy Soil Survey Officer, and as such, he has to continue now on this post. The learned counsel for the petitioner contended that in the case of Shri B.R. Desai of the same Department, transfer was permitted from the post of Deputy Soil Survey Officer to the Assistant Research Officer. By this instance, it is too difficult to accept the plea of discrimination, more so when in the reply, the respondents have given out that such incident may happen either way and it cannot be permitted to be made an issue for grievance. The learned counsel for the petitioner has failed to make out any case of infringement of legal and fundamental rights of the petitioner.

4. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court, stands vacated. No order as to costs.

.....

